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NUMBER

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
WEST. DIST. OF WISCONSIN

AUG 30 2002

FILED/RECEIVED
JOSEPH W. SKUPNEWITZ, CLERK
CASE
NUMBER

NEIL GAIMAN and
MARVELS AND MIRACLES, LLC,

Plaintiffs,

v.

TODD McFARLANE, et al.

Defendants-Counterclaimants.

Case No. 02-C-0048-S

JOINT PRE-TRIAL CONFERENCE REPORT

The parties, by their respective counsel, hereby submit this Joint Final Pre-Trial Report in accordance with the Court's March 5, 2002 Preliminary Pre-Trial Conference Order.

A. FINAL PRE-TRIAL CONFERENCE DATE AND APPEARANCES

Final Pre-Trial Conference: Tuesday, September 3, 2002 at 1:00 p.m.

Appearances: Plaintiffs Neil Gaiman and Marvel and Miracles, LLC will appear by their counsel, Allen A. Arntsen and Jeffrey A. Simmons of Foley & Lardner, and Kenneth F. Levin of Kenneth F. Levin and Associates.

Defendants Todd McFarlane, Todd McFarlane Productions, Inc., TMP International, Inc., and McFarlane Worldwide, Inc., will appear by their counsel, Michael A. Kahn and Peter W. Salsich, III of Blackwell, Sanders, Peper, Martin, LLP, and Eugenia G. Carter and Todd G. Smith of La Follette Godfrey & Kahn.

Defendant Image Comics, Inc. will appear by its counsel, R. Scott Feldmann of Brobeck, Phleger & Harrison, LLP.

B. AGREED STATEMENT OF UNCONTESTED FACTS

1. The plaintiffs filed this lawsuit on January 24, 2002.
2. Plaintiff Neil Gaiman is a resident of the Western District of Wisconsin, and has been a resident of the Western District of Wisconsin during all times relevant to this action.
3. Plaintiff MARVELS AND MIRACLES, L.L.C., (hereafter “MARVELS AND MIRACLES”) is a Wisconsin Limited Liability Company, having a principal place of business in the Western District of Wisconsin.
4. Defendant Todd McFarlane is a resident of Arizona.
5. Mr. McFarlane is the sole shareholder of defendants Todd McFarlane Productions, Inc., TMP International, Inc. and McFarlane Worldwide, Inc.
6. Mr. McFarlane is the president of defendant Todd McFarlane Productions, Inc.
7. Defendant Todd McFarlane Productions, Inc. (hereafter “Todd McFarlane Productions”) is a corporation organized under the laws of the State of Arizona having a principal place of business at 40 West Baseline Rd., Tempe, Arizona 85283.
8. Todd McFarlane Productions is engaged in the production of comic books and related works of entertainment.
9. Defendant TMP International, Inc. (hereafter “TMP International”) is a corporation organized under the laws of the State of Michigan.
10. Defendant McFarlane Worldwide, Inc. (hereafter “McFarlane Worldwide”) is a corporation organized under the laws of the State of Michigan.
11. Defendant Image Comics, Inc. (hereafter “Image Comics”) is a corporation organized under the laws of the State of California having a principal place of business at 1071 N. Batavia St. Orange, California 92867.

12. Mr. McFarlane is the president of Image Comics.

13. Mr. McFarlane and six other comic book artists formed Image Comics in late 1991 or early 1992 in order to publish their own works.

14. Image Comics currently has four shareholders.

15. Mr. McFarlane has been a shareholder of Image Comics since the founding of the company.

16. Shortly after forming Image Comics, Mr. McFarlane also founded Todd McFarlane Productions.

17. Prior to forming Image Comics and Todd McFarlane Productions, Mr. McFarlane worked for D.C. Comics and Marvel Comics at various times and had written contracts with D.C. Comics and Marvel Comics for some of his work.

18. Todd McFarlane Productions has published the *Spawn* series of comic books since 1992.

19. In 1992, Mr. McFarlane asked four prominent comic book authors to write issues of *Spawn*. Neil Gaiman was one of those four authors.

20. Mr. Gaiman wrote the script for issue 9 of *Spawn* (hereafter "*Spawn* Issue 9").

21. Mr. Gaiman also created preliminary or "thumbnail" sketches for *Spawn* Issue 9.

22. Mr. McFarlane created the artwork printed in *Spawn* Issue 9.

23. Mr. Gaiman's script for *Spawn* Issue 9 included three characters that had never appeared in a prior issue of *Spawn*: "Angela," "Count Nicholas Cagliostro" (hereafter "Cagliostro") and an unnamed character from the Middle Ages that later came to be known as "Medieval *Spawn*." All three of those characters appeared in *Spawn* Issue 9 when it was published.

24. The Medieval Spawn character that appears in *Spawn* Issue 9 is a different version of the “Spawn” character who is the main character in the *Spawn* series.

25. Angela and Cagliostro characters were not based upon any pre-existing comic book characters.

26. *Spawn* Issue 9 was published in March of 1993.

27. *Spawn* Issue 9 contains the following notice: “Spawn and its logo are trademarkTM and copyright © 1993 Todd McFarlane Productions, Inc. All rights reserved.”

28. Gaiman received a copy of *Spawn* Issue 9 on or before April, 1993.

29. Shortly after publication of *Spawn* Issue 9, TMP International began selling action figure toys of the Angela and Medieval Spawn characters.

30. After the publication of *Spawn* Issue 9, Mr. McFarlane agreed to have Mr. Gaiman author the scripts for a three-issue comic book mini-series featuring the Angela character (hereafter “the *Angela* series”).

31. In addition, Gaiman wrote a portion of the script for issue 26 of *Spawn* (hereafter “*Spawn* Issue 26”).

32. Todd McFarlane Productions and Image Comics published *Spawn* Issue 26 in December of 1994.

33. *Spawn* Issue 26 was shipped for publication by Image Comics on December 27, 1994.

34. Mr. Gaiman is not identified as an author or contributor to the script or story for *Spawn* Issue 26 in any portion of that publication.

35. *Spawn* Issue 26 does not contain a notice identifying the owners of the copyright in Issue 26 or any of the characters in that issue.

36. Mr. Gaiman is the sole author of the scripts for Issues 1, 2, and 3 of the *Angela* series.

37. Mr. McFarlane did not author any portion of the script for Issues 1, 2, and 3 of the *Angela* series.

38. Mr. McFarlane did not create any of the artwork for Issues 1, 2, and 3 of the *Angela* series; instead, the artwork for these issues was created for Todd McFarlane Productions by another artist, Greg Capullo.

39. Issue 1 of the *Angela* series was published in December of 1994.

40. Issue 2 of the *Angela* series was published in January of 1995.

41. Issue 3 of the *Angela* series was published in February of 1995.

42. Issue 2 of the *Angela* series contains the following notice: “Angela, its logo and its symbol are registered Trademarks TM and copyright © 1995 of Todd McFarlane Productions, Inc. All rights reserved.”

43. Issues 1 and 3 of the *Angela* series contain the following notice: “Angela®, its logo and its symbol are registered Trademarks TM 1994 of Todd McFarlane Productions, Inc. All rights reserved.”

44. Issues 1, 2, and 3 of the *Angela* series were republished in a trade paperback entitled *Angela* in November of 1995.

45. A “trade paperback” is a collection of several comic issues published in book form.

46. The inside title page of the *Angela* trade paperback contains the following notice: “Angela, its logo and its symbol are (TM) trademarks and (©) copyright 1995, Todd McFarlane

Prods., Inc. All other characters are (TM) and (©) copyright 1995, Todd McFarlane Prods., Inc. All rights reserved.”

47. Todd McFarlane Productions and Image Comics reprinted Spawn Issue 26 in a trade paperback entitled Spawn Volume 6, which was published in May of 1998.

48. Spawn Volume 6 contains the following notice: “Spawn, its logo and its symbol are registered trademarks 1998 of Todd McFarlane Productions, Inc. All other related characters are TM and © 1998 Todd McFarlane Productions, Inc. All rights reserved.”

49. Todd McFarlane Productions and Image Comics are currently republishing Spawn Issue 26 in a trade paperback entitled *Pathway to Judgement*.

50. Todd McFarlane Productions and Image Comics reprinted *Spawn* Issue 9 in the trade paperback Spawn Volume 2.

51. Spawn Volume 2 was shipped for publication by Image Comics on June 12, 1996.

52. Spawn Volume 2 contains the following notice: “Spawn® and it’s logo and it’s symbol are registered trademarks of Todd McFarlane Productions, Inc. All other related characters are trademark TM and Copyright © 1996 Todd McFarlane Productions, Inc. All rights reserved.”

53. Larry Marder was the executive director of Image Comics from December 1993 until September 1999.

54. Mr. Marder became president of operations of Todd McFarlane Productions in October 1999. Mr. Marder became president of TMP International in December 2001 and currently holds that title.

55. After the meeting with Mr. McFarlane and Mr. Marder in the spring of 1996, Mr. Gaiman began phoning Mr. McFarlane regularly with questions about his royalty payments and seeking to obtain a written contract.

56. As Executive Director of Image Comics, Mr. Marder reported to the shareholders of that company, including Mr. McFarlane.

57. On April 2, 1997, Mr. Gaiman's attorney, Melanie Cook sent Larry Marder a letter regarding money Mr. Gaiman claimed he was owed as a result of his work for Mr. McFarlane. Mr. Gaiman's attorney attached to the letter copies of unexecuted drafts of two of Mr. Gaiman's D.C. Comics contracts for Mr. Marder's review.

58. The draft "Character Equity Agreement" dated February 1, 1993 that was attached to Attorney Melanie Cook's April 2, 1997 letter purported to expressly incorporate Mr. Gaiman's April 20, 1998 and January 2, 1990 Sandman contracts and specifically listed the characters for which Gaiman was to receive non-comic-book royalties.

59. The Cogliostro character has a speaking role in the live-action "Spawn" movie distributed by New Line Cinema beginning in August 1997.

60. The New Line Cinema Spawn movie has been sold on video cassette and DVD.

61. The Angela character has a speaking role in one of the six episodes that make up the first season of "Todd McFarlane's Spawn", an animated television series produced by HBO.

62. HBO's animated series "Todd McFarlane's Spawn" has been sold on video cassette and DVD.

63. Mr. Gaiman has never been an employee of any of the Defendants.

64. Mr. Gaiman has never signed a "work-for-hire" agreement with any of the Defendants.

65. “Miracleman” is a comic book superhero with origins older than and unrelated to the Spawn comic book series.

66. Eclipse Comics (which is not a plaintiff or defendant in this case) published the Miracleman comic book series until 1993.

67. The Miracleman comic book series published in the United States consisted of twenty-four comic book issues. Mr. Gaiman wrote each of the last eight issues of the Miracleman comic book series (issues 17 through 24). Mark Buckingham illustrated all of the Miracleman issues authored by Mr. Gaiman.

68. None of the Defendants in this case, including Mr. McFarlane, ever contributed to the creation or publication of any issue of the Miracleman comic book or any reprints of those comic books.

69. Eclipse Comics filed for bankruptcy in 1994.

70. As part of the Eclipse Comics bankruptcy sale, Todd McFarlane Productions bought all of the assets of Eclipse Comics from the bankruptcy trustee. As part of that purchase, Todd McFarlane Productions acquired certain physical property, including film used to create the Miracleman comic books, which had been in Eclipse Comics’ possession and had been used by Eclipse in its publishing of Miracleman.

C. AGREED STATEMENT OF MAJOR FACTUAL ISSUES

1. Under copyright law, are Neil Gaiman and Todd McFarlane are “joint authors” of the character Cagliostro (or Cogliostro), i.e., was Neil Gaiman’s contribution to the creation of the Cagliostro (of Cogliostro) character independently copyrightable?

2. Under copyright law, are Neil Gaiman and Todd McFarlane “joint authors” of the character Medieval Spawn, i.e., was Neil Gaiman’s contribution to the creation of the Medieval Spawn character independently copyrightable?

3. Would a reasonable person in Neil Gaiman’s position have discovered, more than three years prior to the filing of this action, that Todd McFarlane or Todd McFarlane Productions were claiming to be sole owners of all copyright interests in Spawn Issue 9?

4. Would a reasonable person in Neil Gaiman’s position have discovered, more than three years prior to the filing of this action, that Todd McFarlane or Todd McFarlane Productions were claiming to be sole owners of all copyright interests in Spawn Issue 26

5. Would a reasonable person in Neil Gaiman’s position have discovered, more than three years prior to the filing of this action, that Todd McFarlane or Todd McFarlane Productions were claiming to be sole owners of all copyright interests in Angela Issues 1, 2 and 3?

6. Would a reasonable person in Neil Gaiman’s position have discovered, more than three years prior to the filing of this action, that Todd McFarlane or Todd McFarlane Productions were claiming to be sole owners of all copyright interests in the characters Angela, Cagliostro (or Cogliostro) and Medieval Spawn?

7. Beginning in 1992, did Todd McFarlane (on behalf himself or Todd McFarlane Productions) and Neil Gaiman enter into an enforceable agreement that Neil Gaiman would be

compensated for his work in conjunction with Spawn-related comics as well or better than Neil Gaiman's compensation under his contracts with D.C. Comics?

8. If so, did Todd McFarlane or Todd McFarlane Productions breach that agreement?

9. In 1997, did Todd McFarlane (on behalf of himself or Todd McFarlane Productions) and Neil enter into an enforceable agreement regarding, among other things, royalties and rights to various comic book characters? If so, what were the terms of that agreement?

10. If so, did Todd McFarlane or Todd McFarlane Productions breach that agreement?

11. Did Neil Gaiman make misrepresentations or omissions of material facts to Todd McFarlane or Todd McFarlane Productions during their contract negotiations in 1996 and 1997?

12. If Neil Gaiman did made misrepresentations or omissions of material facts to Todd McFarlane or Todd McFarlane Productions during their contract negotiations, did they reasonably rely upon those misrepresentations or omissions?

13. Have Todd McFarlane, Todd McFarlane Productions, Inc., or Image Comics wrongfully used a false designation of origin by failing to provide Neil Gaiman with credit for his contribution to Spawn Issue 26 and Pathway to Judgement?

As to the following factual issues, the parties were unable to reach agreement on precise wording.

Plaintiffs:

Did any of the Defendants obtain Neil Gaiman's consent to include Neil Gaiman's name and biographical information on the covers of *Angela's Hunt*?

Defendants:

Did Neil Gaiman consent to the use of his name and biographical information on the cover of *Angela's Hunt*?

D. PROSPECTIVE FACT WITNESSES

Plaintiffs:

Neil Gaiman
P.O. Box 366
Menomonie, WI 54751

Lawrence Marder
11 Luciana
Newport Coast, CA 92657

Julaine Claybaugh
40 West Baseline Rd.
Tempe, AZ 85283

Sheila Egger
40 West Baseline Rd.
Tempe, AZ 85283

Terence Fitzgerald
40 West Baseline Rd.
Tempe, AZ 85283

James Valentino or
other (yet unnamed) 30(b)(6) designee of Image Comics, Inc.
1071 N. Batavia St.
Orange, CA 92867

Plaintiffs reserve the right to call as an adverse witness in its case in chief or in rebuttal any witness listed in Defendants' list of prospective witnesses.

Defendants:

The Defendants anticipate calling some or all of the following individuals as witnesses in this case:

Todd McFarlane
12240 South Honah Lee Court
Phoenix, Arizona 85044

Neil Gaiman
P.O. Box 366
Menomonie, WI 54751

Greg Capullo
5017 Colonial Drive
Schenectady, NY 12303

Julaine Claybaugh
40 W. Baseline Road, Suite E-105
Tempe, AZ 85283

Allan Inglis
15155 Fogg St.
Plymouth, MI 48170

Defendants reserve the right to call as an adverse witness in their case in chief or in rebuttal any witness listed in Plaintiffs' list of prospective witnesses.

E. PROSPECTIVE EXPERT WITNESSES

Plaintiffs:

Denis Kitchen
62 Sand Hill Rd.
Shutesbury, MA 01072

James Caven
Virchow, Krause & Company, LLP
Ten Terrace Court
Madison, WI 53707-7398

Narrative statements of the background and experience of Plaintiffs' expert witnesses are attached as Exhibit A.

Defendants:

Thomas R. Klingele, CPA, CVA
RSM McGladrey, Inc.
434 South Yellowstone Drive
Madison, Wisconsin 53719

Thomas E. Clifford, CPA/ABV, CVA, CMA
RSM McGladrey, Inc.
434 South Yellowstone Drive
Madison, Wisconsin 53719

Narrative statements of the background and experience of Defendants' expert witnesses are attached as Exhibit B.

F. SPECIAL DAMAGES

Plaintiffs currently estimate Mr. Gaiman's his contract-related damages to be between \$274,180.08 and \$304,628.41.

Plaintiffs currently estimate Mr. Gaiman's damages related to his claims for violation of his right of privacy and misappropriation of his name and identity to be \$45,000.

Plaintiffs' damage calculations will be described in the report of Plaintiffs' expert James Caven.

The parties have stipulated that, should Mr. Gaiman prevail on any portion of his copyright ownership claims and the Court order any accounting of profits, that the calculation of

any profits due Mr. Gaiman will be made after trial by an independent accountant selected through a process agreed to by the parties.

G. PROSPECTIVE EXHIBITS & OBJECTIONS

Plaintiffs' Exhibit List, with Defendant's accompanying objections, is attached as Exhibit C.

Defendants' (including Image Comics) Exhibit List, with Plaintiffs' accompanying objections, is attached as Exhibit D.

The parties have stipulated as follows: 1) each side may supplement its exhibit list, including demonstrative exhibits, on or before Friday, September 13, 2002; 2) the parties will exchange demonstrative exhibits on or before Friday, September 13, 2002; and 3) on or before Friday, September 20, 2002, the parties: a) may supplement their objections to all proposed exhibits and, 2) shall file all such supplemental objections with the Court.

H. DEPOSITIONS TO BE OFFERED AT TRIAL

Plaintiffs may offer portions or summaries of the depositions of the following individuals: Julaine Claybaugh, Terri Cunningham, Sheila Egger, Allan Inglis, Terence Fitzgerald, Paul Levitz, Lawrence Marder, James Valentino (or any other 30(b)(6) designee of Image Comics, Inc.).

Defendants intend to offer at trial excerpts or narrative summaries of the depositions of the following individuals: Paul Levitz, Terri Cunningham, Joe Quesada, Julaine Claybaugh (in the event she does not testify in person), and Allan Inglis (in the event he does not testify in person).

Defendants reserve the right to offer at trial excerpts or narrative summaries of the depositions of any additional witnesses deposed subsequent to the preparation of the above list.

Dated this 30th day of August, 2002.

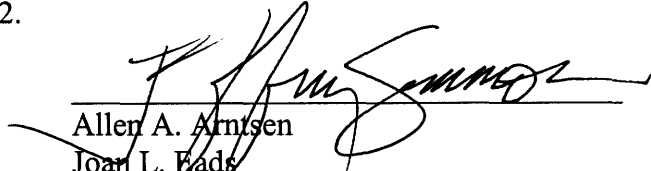
FOLEY & LARDNER
150 East Gilman Street
Madison, WI 53703-2808

Co-Counsel:
Kenneth F. Levin
20 North Wacker Drive, Suite 2200
Chicago, IL 60606

LAFOLLETTE, GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, WI 53703

Co-Counsel:
Michael A. Kahn, Esq.
Peter W. Salsich, III, Esq.
Blackwell, Sanders, Pepper, Martin
720 Olive Street, Suite 2400
St. Louis, MO 63101

BROBECK, PHLEGER & HARRISON, LLP
38 Technology Drive
Irvine, CA 92618-5312
Madison, WI 53703


Allen A. Arnisen
Joan L. Eads
Jeffrey A. Simmons
*Attorneys for Plaintiffs Neil Gaiman and Marvels
and Miracles, LLC*

Eugenia G. Carter
Todd G. Smith
Attorneys for McFarlane Defendants

R. Scott Feldmann
Todd G. Smith
Attorneys for Image Comics Defendants

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Dated this ____ day of August, 2002.

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150 East Gilman Street
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Co-Counsel:

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Chicago, IL 60606

Allen A. Arntsen
Joan L. Eads
Jeffrey A. Simmons
*Attorneys for Plaintiffs Neil Gaiman and Marvels
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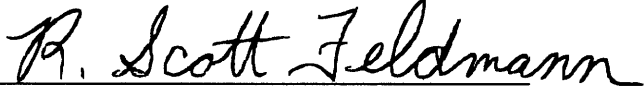
LAFOLLETTE, GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, WI 53703

Co-Counsel:

Michael A. Kahn, Esq.
Peter W. Salsich, III, Esq.
Blackwell, Sanders, Pepper, Martin
720 Olive Street, Suite 2400
St. Louis, MO 63101

Eugenia G. Carter
Todd G. Smith
Attorneys for McFarlane Defendants

BROBECK, PHLEGER & HARRISON, LLP
38 Technology Drive
Irvine, CA 92618-5312
Madison, WI 53703


R. Scott Feldmann
Todd G. Smith
Attorneys for Image Comics Defendants

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Dated this 30 day of August, 2002.

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150 East Gilman Street
Madison, WI 53703-2808


Co-Counsel:
Kenneth F. Levin
20 North Wacker Drive, Suite 2200
Chicago, IL 60606


LAFOLLETTE, GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, WI 53703

Co-Counsel:
Michael A. Kahn, Esq.
Peter W. Salsich, III, Esq.
Blackwell, Sanders, Pepper, Martin
720 Olive Street, Suite 2400
St. Louis, MO 63101

BROBECK, PHLEGER & HARRISON, LLP
38 Technology Drive
Irvine, CA 92618-5312
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*Attorneys for Plaintiffs Neil Gaiman and Marvels
and Miracles, LLC*


Eugenia G. Carter
Todd G. Smith
Attorneys for McFarlane Defendants

R. Scott Feldmann
~~Todd G. Smith~~ 
Attorneys for Image Comics Defendants

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150 East Gilman Street
Madison, WI 53703-2808

Co-Counsel:

Kenneth F. Levin
20 North Wacker Drive, Suite 2200
Chicago, IL 60606

Allen A. Arntsen
Joan L. Eads
Jeffrey A. Simmons
*Attorneys for Plaintiffs Neil Gaiman and Marvels
and Miracles, LLC*

LAFOLLETTE, GODFREY & KAHN, S.C.
One East Main Street, Suite 500
Madison, WI 53703

Co-Counsel:

Michael A. Kahn, Esq.
Peter W. Salsich, III, Esq.
Blackwell, Sanders, Pepper, Martin
720 Olive Street, Suite 2400
St. Louis, MO 63101

Eugenia G. Carter
Todd G. Smith
Attorneys for McFarlane Defendants

BROBECK, PHLEGER & HARRISON, LLP
38 Technology Drive
Irvine, CA 92618-5312
Madison, WI 53703

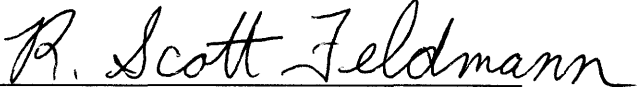

R. Scott Feldmann
Todd G. Smith
Attorneys for Image Comics Defendants

EXHIBIT A

Plaintiffs' Narrative Statement of Expert Witness's Background

1) James Caven, CPA, ABV

Mr. Caven is a certified public accountant who specializes in valuation and economic damage issues. Mr. Caven has been licensed as a CPA in Wisconsin since 1984 and in Minnesota since 1992. Mr. Caven graduated from the University of Wisconsin – Madison in 1981 with a bachelor of business arts degree (BBA) and an emphasis in accounting and finance.

Mr. Caven is currently a partner in the Transactional Services Group of the accounting firm of Virchow, Krause & Company. He has worked for Virchow, Krause since 1981. Mr. Caven's work includes: business analyses and industry research for mergers and acquisitions; and financial forecasting, compilation and tax services for closely held businesses, partnerships and individuals. Mr. Caven has previously provided damage calculations in litigation involving copyright infringement and patent infringement.

Mr. Caven is currently a member of the Wisconsin Institute of Certified Public Accountants, the American Institute of Certified Public Accountants, the Institute of Business Appraisers, and is a candidate for membership in the American Society of Appraisers-Business Valuation.

In 1995, Governor Tommy Thompson appointed Mr. Caven to serve a five-year term as a member of the Wisconsin Regulation & Licensing Board for Real Estate Appraisers. Mr. Caven served as Secretary of that Board in 1996 and 1997, and served as Vice-Chairman of that Board from 1998 to 2000.

Mr. Caven has given numerous presentations on business valuation methods, including a presentation this year entitled "The Art of Business Valuation" as part of the

Wisconsin Supreme Court's Family Law Seminar, and a presentation in 2001 entitled "Valuation Issues for Entrepreneurs" which was presented as part of the University of Wisconsin Graduate Schools' WAVE Program.

2) **Denis Kitchen**

Denis Kitchen has worked in the comic book industry for more than thirty years as a publisher, retailer, distributor, cartoonist, writer, editor and agent.

Mr. Kitchen began his comic industry career in the late 1960s publishing *Mom's Homemade Comics* and a weekly syndicated strip for alternative and college papers.

In 1969, Mr. Kitchen founded his own publishing company, Kitchen Sink Press, which he operated until 1999. At Kitchen Sink Press, Mr. Kitchen published a variety of comics, including collections of the classic newspaper comic strips *Li'l Abner* and *Flash Gordon*. Mr. Kitchen's company also published the comic book treatise *Understanding Comics*.

In 1970, Mr. Kitchen founded Krupp Distribution, which pioneered the distribution of underground "comix." Mr. Kitchen was associated with Krupp until 1983. At that same time, Mr. Kitchen co-owned a comics retail store in Milwaukee, WI called "Strickly Uppa Crust".

Since 1991, Mr. Kitchen has owned and operated the Denis Kitchen Art Agency which represents clients and estates for literary rights and original art sales. Since 2000, Mr. Kitchen has also been a partner in Kitchen & Hansen, a literary agency representing various cartoonists and writers.

In 2000, Mr. Kitchen founded a small press, Denis Kitchen Publishing, which specializes in periodic books by comic industry creators.

Since 2000, Mr. Kitchen has chaired the committee that oversees that comic book industry's Harvey Awards. He is also currently Chair of the Comic Book Legal Defense Fund, Inc., a non-profit organization dedicated to protecting First Amendment rights in the comics industry.

Mr. Kitchen is currently writing the introduction for a multi-volume collection of comics entitled *Li'l Abner Sundays*.

EXHIBIT B

**NARRATIVE STATEMENTS OF BACKGROUNDS OF THE
DEFENDANTS' EXPERT WITNESSES**

**A) Thomas R. Klingele, CPA, CVA
RSM McGladrey, Inc.
434 South Yellowstone Drive
Madison, Wisconsin 53719**

Thomas Klingele is a certified public accountant and valuation expert with over thirty years of experience in his field. He earned his Bachelor's in Business Administration degree from the University of Wisconsin-Madison, and obtained his Certified Public Accountant (CPA) certificate in 1973. Mr. Klingele received his Certified Valuation Analyst (CVA) certificate in 1997. Mr. Klingele began his career in 1970 with Houghton, Taplick & Co., and became a partner in 1977. In 1994, Houghton Taplick & Co. merged with RSM McGladrey, where Mr. Klingele now serves as Managing Director in the firm's Madison office. Mr. Klingele is a member of the National Association of Certified Valuation Analysts (NACVA), the Institute of Business Appraisers (IBA), the American Institute of Certified Public Accountants (AICPA), and the Wisconsin Institute of Certified Public Accountants (WICPA).

Mr. Klingele's work includes the valuation of intellectual property and intangible assets, the valuation of closely held business interests, and the calculation of lost profits and monetary damages.

**B) Thomas E. Clifford, CPA/ABV, CVA, CMA
RSM McGladrey, Inc.
434 South Yellowstone Drive
Madison, Wisconsin 53719**

Thomas Clifford is a certified public accountant and valuation expert at RSM McGladrey, Inc. He earned his Bachelor of Arts degree in accounting in 1984 from the

University of Northern Iowa, and his Master's degree in taxation from DePaul University in Chicago in 1990. Mr. Clifford received his Certified Public Accountant certificate in Illinois in 1986 and in Wisconsin in 2001. Mr. Clifford became a Certified Management Accountant (CMA) in 1986, a Certified Valuation Analyst (CVA) in 2000, and was Accredited in Business Valuation (ABV) in 2002. Mr. Clifford is a member of the following professional organizations: the American Institute of Certified Public Accountants (AICPA), the Wisconsin Institute of Certified Public Accountants (WICPA), the Illinois CPA Society, the National Association of Certified Valuation Analysts (NACVA), the Institute of Business Appraisers (IBA), and the Institute of Management Accountants.

Mr. Clifford has considerable experience in the valuation of intellectual property and intangible assets, calculating lost profits and monetary damages, and in business valuation matters. Mr. Clifford began his career working in industry as a financial controller for six years, after which he joined the public accounting firm KPMG. In 1997, Mr. Clifford joined RSM McGladrey in Madison, where he currently serves as a Consulting Services Manager.

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
MARVELS AND MIRACLES, LLC.,

Plaintiffs,

v.

CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

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|------|------------------|---------|---------------|--|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 1 | | TM 00355-356 | 05-05-97 letter to Todd from Neil [Egger Dep. Ex. 2] | |
| | 2 | | TM 00357 | 05-09-97 fax to Gaiman from Egger [Egger Dep. Ex. 1] | |
| | 3 | | TM 0358-359 | 7-15-97 First letter to Todd from Neil confirming 7-15 conversation | |
| | 4 | | TM 00362 | 07-15-97 "Beauty" letter to Neil from Todd [Fitzgerald Dep. Ex. 20] | |
| | 5 | | TM 00360 | 07-15-97 Gaiman "Hurrah" letter to Todd [Marder Dep. Ex. 33] | |
| | 6 | | TM 00509 | 08-01-97 Gaiman handwritten note to Todd re exchange and accounting [McFarlane Dep. Ex. 50] | |
| | 7 | | TM 00526-538 | 08-04-97 Neil Gaiman Royalty Report by TMP [Egger Dep. Ex. 5] | |
| | 8 | | TM 00519-525 | 08-11-97 royalty report [Egger Dep. Ex. 6] | |
| | 9 | | TM 01524-1525 | 03-26-98 Payment record, bonus- foreign sales [Dep. Ex. 100] | |
| | 10 | | TM 00578 | 01-12-99 letter to Gaiman from McFarlane "rescinding all previous | |

**PLAINTIFF'S PRELIMINARY
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AUGUST 30, 2002

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TODD MCFARLANE, TODD MCFARLANE
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| | | | | offers" [Egger Dep. Ex. 8] | |
| | 11 | | | Creators Bill of Rights [Marder Dep. Ex. 24] | |
| | 12 | | | Copy of Spawn Issue 9 | |
| | 13 | | TM 00661-673 | Thumbnail sketches for Spawn Issue 9 [McFarlane Dep. Ex. 34] | |
| | 14 | | TM 00155-156 | 04-12-96 Copyright Registration: Spawn 9 [McFarlane Dep. Ex. 35] | |
| | 15 | | | Spawn No. 11, cover and letters page [McFarlane Dep. Ex. 55] | |
| | 16 | | TM 00707-709 | Spawn Issue 26 script excerpt [Angela preview] [McFarlane Dep. Ex. 36] | |
| | 17 | | | Copy of Spawn Issue 26 | |
| | 18 | | TM 00198-199 | 01-20-95 Copyright Registration: Spawn 26 [McFarlane Dep. Ex. 37] | |
| | 19 | | | Copy of Angela Issue 1 | |
| | 20 | | | Copy of Angela Issue 2 | |
| | 21 | | | Copy of Angela Issue 3 | |
| | 22 | | TM 00001-13 | Script for Angela Issue 1 [McFarlane Dep. Ex. 39] | |

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| | 23 | | TM 00014-30 | Script for Angela Issue 2 [McFarlane Dep. Ex. 40] | |
| | 24 | | TM 00031-41 | Script for Angela Issue 3 [McFarlane Dep. Ex. 41] | |
| | 25 | | TM 00059-70 | Thumbnail sketch of Angela 1 [McFarlane Dep. Ex. 42] | |
| | 26 | | TM 00071-96 | Thumbnail sketch of Angela 2 [McFarlane Dep. Ex. 43] | |
| | 27 | | TM 00097-112 | Thumbnail sketch of Angela 3 [McFarlane Dep. Ex. 44] | |
| | 28 | | TM00309-314 | Copyright Registrations for Angela Issues 1, 2, 3 [McFarlane Dep. Ex. 45] | |
| | 29 | | | 09-01-92 Terry Fitzgerald handwritten letter to Gaiman re \$10,000 advance for Spawn 9 [Fitzgerald Dep. Ex. 11] | |
| | 30 | | G00470; G00472-482 | 01-04-93 letter attaching script for Spawn 9 [Fitzgerald Dep. Ex. 12] | |
| | 31 | | G00221 | 04-07-93 Fitzgerald handwritten note to Neil re: guessing what take will be [Fitzgerald Dep. Ex. 13] | |

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| | 32 | | G00219 | 06-09-94 Todd and Terry handwritten note to Neil re: Greg eagerly awaiting the Angela project [Fitzgerald Dep. Ex. 14] | |
| | 33 | | G00488 | 11-01-94 Fitzgerald handwritten note to Neil apologizing for incompetence of help [Fitzgerald Dep. Ex. 15] | |
| | 34 | | TM 00572 | 09-26-96 Merrilee letter to McFarlane re: royalties [McFarlane Dep. Ex. 46] | |
| | 35 | | TM 00571 | 11-06-96 handwritten memo to Larry Marder from Neil Gaiman contracts, "grabbed a couple of contracts" [Marder Dep. Ex. 25] | |
| | 36 | | TM 00567-569 | 11-14-96 Marder memo to Todd re breakdown of contracts [Marder Dep. Ex. 27] | |
| | 37 | | TM 00563 | 11-25-96 Marder memo to Todd re: "Neil is calling me almost every day" [Marder Dep. Ex. 26] | |
| | 38 | | G00192 | 11-18-96 Marder memo to Neil re nailing Todd [Marder Dep. Ex. 28] | |

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| | 39 | | TM 00564-566 | 12-17-96 Marder draft offer memo [Marder Dep. Ex. 29] | |
| | 40 | | G00193-195 | 12-17-96 Marder offer memo to Neil [Marder Dep. Ex. 30] | |
| | 41 | | G00196 | 01-09-97 Marder "go between" memo to Gaiman [Marder Dep. Ex. 31] | |
| | 42 | | G00197-199 | 02-18-97 Marder revised offer memo [Marder Dep. Ex. 32] | |
| | 43 | | | 04-02-97 Melanie Cook letter to Larry Marder attaching DC Comics contracts [McFarlane Dep. Ex. 47] | |
| | 44 | | G00797 | 04-22-97 Gaiman handwritten letter to Todd re toy payment received in March 1995 [McFarlane Dep. Ex. 48] | |
| | 45 | | TM 01835-1856 | Transcript of Oakland meeting [McFarlane Dep. Ex. 49] | |
| | 46 | | TM 01666-1670 | 07-01-97 Fitzgerald's Draft of Character Agreement between TMP and Gaiman [Fitzgerald Dep. Ex. 18] | |

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| | 47 | | TM 00368 | 7-26-97 Wanda memo to Sheila re: foreign sales [Egger Dep. Ex. 3.] | |
| | 48 | | TM 00369 | 07-28-97 handwritten memo to Marder from Egger re: items needed to close "Gaiman thing" [Egger Dep. Ex. 3] | |
| | 49 | | TM 00370 | 07-28-97 handwritten memo to Pat from Sheila requesting info to close Gaiman agreement [Egger Dep. Ex. 3] | |
| | 50 | | TM 00467-480 | 07-29-97 fax to Todd from Egger re: Gaiman deal and attaching various documents. [Egger Dep. Exs. 4 & 4A] | |
| | 51 | | TM 00800 | 07-31-97 letter to Neil from Terry Fitzgerald re \$5,000 bonus [Fitzgerald Dep. Ex. 21] | |
| | 52 | | TM 00466 | 07-29-97 spreadsheet: "TMP International, Inc. Neil Gaiman. September 1994 to July 1997" with handwritten notes. Details sales of Gaiman related action figures [Claybaugh Dep. Ex. 78] | |

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| | Trial Ex. No. | Witness | Bates No. | | |
| | 53 | | TM 00508 | 08-04-97 Inglis fax to Fitzgerald re royalty calculation [Fitzgerald Dep. Ex. 22] | |
| | 54 | | TM 00559 | Handwritten Notes of Todd re: Royalty Calculation [Egger Dep. Ex. 10] | |
| | 55 | | TM 01447-1462 | 02-29-96 Eclipse Bankruptcy Trustee letter to Fitzgerald re accepting offer of \$25,000 [Fitzgerald Dep. Ex. 16] | |
| | 56 | | TM 01440-1444 | 02-29-96 Fitzgerald handwritten letter to Tony, attaching list of goods to pick up [Fitzgerald Dep. Ex. 17] | |
| | 57 | | TM 01384-1392 | Trademark application for Miracleman, 10-27-97 [McFarlane Dep. Ex. 52] | |
| | 58 | | TM 01408-1416 | Trademark application for Miracleman, 10-27-97 [McFarlane Dep. Ex. 53] | |
| | 59 | | TM 01428 | 02-12-99 Trademark Extension of Time re Miracleman [McFarlane Dep. Ex. 54] | |

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| | Trial Ex. No. | Witness | Bates No. | | |
| | 60 | | DC0001-0002 | 5-22-01 List of Character Equity Agreements | |
| | 61 | | G04075-4086 | 04-20-88 Sandman contract [Cunningham Dep. Ex. 1] | |
| | 62 | | G4058-4064 | 4-24-89 Sandman Contract amendment | |
| | 63 | | G04022-4029 | 01-02-90 Amendment to 04-20-98 re Sandman agreement [Cunningham Dep. Ex. 2] | |
| | 64 | | G04112 | 12-17-90 Amendment to Sandman contract | |
| | 65 | | G04250-4251 | 05-28-91 Amendment to 1-2-90 Agreement re: Sandman | |
| | 66 | | G01014-1020 | 09-01-92 Contract with DC Comics re Sandman #50-73 [Gaiman Dep. Ex. 57] | |
| | 67 | | G04222 | 10-19-91 Amendment to writing services agreement for Sandman | |
| | 68 | | G01009-1013 | 2-1-93 Character Equity Agreement re: Dream, Death, Dispair, etc. [Dep. Ex. 58] | |

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| | Trial Ex. No. | Witness | Bates No. | | |
| | 69 | | DC0020-21 | 05-24-93 letter to Merrilee Hiefertz from Terri Cunningham re Neil Gaiman's work on Sandman [Cunningham Dep. Ex. 3] | |
| | 70 | | DC0029-33 | 1993 DC Comics correspondence re: Timothy Hunter [Cunningham Dep. Ex. 4] | |
| | 71 | | G04136-4141 | 08-09-94 Character Equity Agreement: Matthew the Raven [Cunningham Dep. Ex. 6] | |
| | 72 | | G04161-4166 | 08-09-94 Character Equity Agreement: The Dreaming, Mervyn Pumpkinhead, etc. | |
| | 73 | | G04118-4123 | 02-22-95 Character Equity Agreement: Mad Hettie | |
| | 74 | | G04099 | Sandman Continuity Agreement | |
| | 75 | | G04124-4128 | 01-03-97 Character Equity Agreement: Titania [Cunningham Dep. Ex. 7] | |
| | 76 | | G04129-4133 | 01-03-97 Character Equity Agreement: Auberon [Cunningham Dep. Ex. 8] | |
| | 77 | | G03985-G04020 | 10-24-94 Stardust Contract | |

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| | Trial Ex. No. | Witness | Bates No. | | |
| | 78 | | | 02-11-97 Royalty Agreement re: Death: The Time of Your Life, collected edition | |
| | 79 | | G04135 | 12-19-00 Letter re: increasing Character Equity 10% to 15%. | |
| | 80 | | G04188 | Release re: Use of name and biography. | |
| | 81 | | G03780 | 4-22-91 Letter from D.C. re: sales of Book of Magic | |
| | 82 | | G1009-1013 | 09-01-92 Contract DC Comics Character Equity Agreement re: Sandman, Death, Desire [Gaiman Dep. Ex. 58] | |
| | 83 | | TM 00337-350 | Series of checks from Todd McFarlane Productions to Neil Gaiman [McFarlane Dep. Ex. 38] | |
| | 84 | | TM 00410-432 | Spreadsheet re Cosmic Angela [Claybaugh Dep. Ex. 69] | |
| | 85 | | TM 00433-452 | Spreadsheet re Angela [Claybaugh Dep. Ex. 70] | |
| | 86 | | TM374-409 | Spreadsheet re Med. Spawn – sales of action figures [Claybaugh Dep. Ex. 120] | |

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| | Trial Ex. No. | Witness | Bates No. | | |
| | 87 | | TM 00459 | Summary spreadsheet with handwritten notes re Medieval Spawn, Angela, Cosmic Angela and 13" Angela [Claybaugh Dep. Ex. 72] | |
| | 88 | | TM 00463 | 07-28-97 spreadsheet: "New Spring Pricing Schedule" [Claybaugh Dep. Ex. 75] | |
| | 89 | | TM 00464 | 07-28-97 spreadsheet: "Total Figures, Vehicles, Playsets by Ship Date" [Claybaugh Dep. Ex. 76] | |
| | 90 | | TM 00505-507 | 08-04-97 Trading Cards Invoice List re Spawn Archives Chromium [Claybaugh Dep. Ex. 79] | |
| | 91 | | TM 00500-504 | 07-30-97 fax to TMP International from Irwin Toy Limited re calculation of the sales of products attaching spreadsheet re Gaiman related action figures [Claybaugh Dep. Ex. 80] | |
| | 92 | | TM 01540-1558 | HBO Video royalty statement 05-31-02 fax to Julaine Claybaugh [Claybaugh Dep. Ex. 81] | |

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| | 93 | | TM 01226-1236 | Merchandising Agreement 10-01-96 with New Lines Productions, Inc. [Claybaugh Dep. Ex. 82] | |
| | 94 | | TM 01255-1279 | 04-21-97 License Agreement with Capcom Co., Ltd. [Fitzgerald Dep. Ex. 23] | |
| | 95 | | TM 01281-1283 | Royalty Statements from 989 Studios [Claybaugh Dep. Ex. 85] | |
| | 96 | | TM 01284-1285 | Royalty Statements from Sony [Claybaugh Dep. Ex. 86] | |
| | 97 | | TM 01315-1341 | HBO Rights Option Agreement 02- 07-94 [Claybaugh Dep. Ex. 87] | |
| | 98 | | TM 01351-1356 | HBO Actor Agreement 12-16-97 [Claybaugh Dep. Ex. 88] | |
| | 99 | | TM 00542-546 | Japanese Royalty Payments [Claybaugh Dep. Ex. 96] | |
| | 100 | | TM 01689 | Spreadsheet re Foreign Sales [Claybaugh Dep. Ex. 97] | |
| | 101 | | TM 00370; 372 | 07-26-97 Wanda memo to Sheila [Claybaugh Dep. Ex. 99] | |

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| | 102 | | TM 01671 | 06-12-02 "Quicken Find" New Line Cinema Payments [Claybaugh Dep. Ex. 106] | |
| | 103 | | TM 00334 | Angela payments 02-28-02 fax of financial report re Miscellaneous Payroll for 1994 [Claybaugh Dep. Ex. 107] | |
| | 104 | | TM 00335 | 02-28-02 fax of page from handwritten ledger report, \$80,000 payment for Spawn #9 [Claybaugh Dep. Ex. 108] | |
| | 105 | | TM 00492 | 07-29-97 spreadsheet re Angela Book Appearances Income [Claybaugh Dep. Ex. 109] | |
| | 106 | | TM 00510 | "Quicken Find" list indicating royalty payments [Claybaugh Dep. Ex. 110] | |
| | 107 | | TM 01520-1522 | Print Run Summary re: Angela Trade Paper Back; Angela's Hunt [Claybaugh Dep. Ex. 90] | |
| | 108 | | G05356-5361 | Big Entertainment contract | |

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| | 109 | | TM 01690-1699 | TMP International, Inc. Financial Statement for 1994 [Claybaugh Dep. Ex. 111] | |
| | 110 | | TM 01700-1710 | TMP International, Inc. Financial Statement for 1994 and 1995 [Claybaugh Dep. Ex. 112] | |
| | 111 | | TM 01711-1730 | TMP International, Inc. Financial Statement for 1996 [Claybaugh Dep. Ex. 113] | |
| | 112 | | TM 01731-1748 | TMP International, Inc. Financial Statement for 1997 [Claybaugh Dep. Ex. 114] | |
| | 113 | | TM 01749-1761 | McFarlane Toy Group Combined Financial Statements for 1997 and 1998 [Claybaugh Dep. Ex. 115] | |
| | 114 | | TM 01762-1779 | McFarlane Toy Group Combined Financial Statements for 1998 and 1999 [Claybaugh Dep. Ex. 116] | |
| | 115 | | TM 01798-1815 | McFarlane Toy Group Combined Financial Statements for 1998 and 1999 [Claybaugh Dep. Ex. 117] | |

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| | 116 | | TM 01780-1797 | McFarlane Toy Group Combined Financial Statements for 1999 and 2000 [Claybaugh Dep. Ex. 118] | |
| | 117 | | TM 01816-1834 | McFarlane Toy Group Combined Financial Statements for 2001 [Claybaugh Dep. Ex. 119] | |
| | 118 | | TM 00453-457 | Spreadsheet re 13" Angela. INGLIS [Claybaugh Dep. Ex. 71] | |
| | 119 | | TM 00465 | 07-28-97 spreadsheet: "Spawn 1995 Fall". INGLIS [Claybaugh Dep. Ex. 77] | |
| | 120 | | TM 00336 | 08-17-01 email to Peterson from Egger reporting payments made to Gaiman in 1993-1994. DAMAGES [Egger Dep. Ex. 9] | |
| | 121 | | TM 01676 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 122 | | TM 01677 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 123 | | TM 01678 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 124 | | TM 01679 | Accounting Documents. [McFarlane Dep. Ex. 56] | |

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| | 125 | | TM 01680 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 126 | | TM 01681 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 127 | | TM 01682 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 128 | | TM 01683 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 129 | | TM 01684 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 130 | | TM 01685 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 131 | | TM 01686 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 132 | | TM 01687 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 133 | | TM 01688 | Accounting Documents. [McFarlane Dep. Ex. 56] | |
| | 134 | | TM 01523 | Character Appearance Summary. [Claybaugh Dep. Ex. 59] | |

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| | 135 | | TM 01572-1576 | Inventory Sales Report 06-05-02 re: McFarlane Toys [Claybaugh Dep. Ex. 60] | |
| | 136 | | TM 01577-1582 | Inventory Sales Report 06-05-02 re: McFarlane WorldWide, Inc. [Claybaugh Dep. Ex. 61] | |
| | 137 | | TM 01583-1585 | Inventory Sales Report 06-05-02 re: McFarlane Toys Collectors Club [Claybaugh Dep. Ex. 62] | |
| | 138 | | TM 01586 | Sales Document Analysis Report 06-05-02 re: McFarlane Toys Collectors Club [Claybaugh Dep. Ex. 63] | |
| | 139 | | TM 01587 | Inventory Sales Report 06-05-02 re: McFarlane Toys Collectors Club [Claybaugh Dep. Ex. 64] | |
| | 140 | | TM 01588-1589 | Inventory Sales Report 06-05-02 re: McFarlane Toys Collectors Club [Claybaugh Dep. Ex. 65] | |
| | 141 | | TM 01590-1596 | Inventory Sales Report and Sales Document Analysis Report 06-05-02 re: McFarlane Toys Collectors Club [Claybaugh Dep. Ex. 66] | |

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
MARVELS AND MIRACLES, LLC.,

Plaintiffs,

v.

CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

Defendants.

| DATE | Identification | | | DESCRIPTION | OFFERS OBJECTIONS RULINGS EXCEPTIONS |
|------|------------------|---------|---------------|---|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 142 | | TM 01597-1634 | Inventory Sales Report 06-05-02 re: McFarlane Toys, Inc., McFarlane Worldwide, Inc., McFarlane Toys Collectors Club and McFarlane Toys Canada, Inc. [Claybaugh Dep. Ex. 67] | |
| | 143 | | TM 01635 | Sales Document Analysis Report 06-05-02 re: McFarlane Toys Collectors Club [Claybaugh Dep. Ex. 68] | |
| | 144 | | TM 01559 | 05-30-02 fax from Image Comics of spreadsheet re Angela Issue 1 [Claybaugh Dep. Ex. 91] | |
| | 145 | | TM 01561 | 05-30-02 fax from Image Comics of spreadsheet re Angela Issue 2 [Claybaugh Dep. Ex. 91] | |
| | 146 | | TM 01563 | 05-30-02 fax from Image Comics of spreadsheet re Angela Issue 2 [Claybaugh Dep. Ex. 91] | |
| | 147 | | TM 01565 | 05-30-02 fax from Image Comics of spreadsheet re Angela Issue 3 [Claybaugh Dep. Ex. 91] | |

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
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CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

Defendants.

| DATE | Identification | | | DESCRIPTION | OFFERS OBJECTIONS RULINGS EXCEPTIONS |
|------|------------------|---------|---------------|---|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 148 | | TM 01567 | 05-30-02 fax from Image Comics of spreadsheet re Angela Issue 3 [Claybaugh Dep. Ex. 91] | |
| | 149 | | TM 01569 | 05-29-02 fax of spreadsheet from Image Comics re Angela's Hunt [Claybaugh Dep. Ex. 92] | |
| | 150 | | TM 01570 | 05-29-02 fax from Image Comics of spreadsheet re Spawn Angela Hunt [Claybaugh Dep. Ex. 93] | |
| | 151 | | TM 01679-1688 | Financial Report re Spawn Angela Hunt TPB for week ending 12-98, including spreadsheets re Spawn, Spawn #9, Spawn #26, Angela #1, Angela #2, Angela #3 and Angela TPB [Claybaugh Dep. Ex. 95] | |
| | 152 | | TM 01636-1637 | Spreadsheet 05-29-02 re sales of Angela/Spawn Heaven Poster [Claybaugh Dep. Ex. 101] | |
| | 153 | | TM 01638 | Spreadsheet 05-23-02 re sales of Angela Pray for the Hunt Poster [Claybaugh Dep. Ex. 102] | |
| | 154 | | TM 01676 | Spreadsheet 09-08-95 re sales of Angela poster [Claybaugh Dep. Ex. 103] | |

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
MARVELS AND MIRACLES, LLC.,

Plaintiffs,

v.

CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

Defendants.

| DATE | Identification | | | DESCRIPTION | OFFERS OBJECTIONS RULINGS EXCEPTIONS |
|------|------------------|---------|---------------|---|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 155 | | TM 01677 | Spreadsheet 12-14-95 re sales of Angela Poster #2 [Claybaugh Dep. Ex. 104] | |
| | 156 | | TM 01678 | Spreadsheet 02-01-99 re sales of Medieval Spawn Poster [Claybaugh Dep. Ex. 105] | |
| | | | | | |
| | 157 | | TM 1172-1225 | 7-19-94 New Line Cinema Acquisition Agreement | |
| | 158 | | TM 01858-1860 | Todd McFarlane Productions Royalties - 2001 | |
| | 159 | | TM 1861 | Todd McFarlane Productions Royalties - 2002 | |
| | 160 | | TM 1862-1873 | Toy Order Forms, 1995-2001 | |
| | 161 | | TM 1874-1940 | Spawn issue summaries | |
| | 162 | | TM 1237-1248 | 6-12-96 Royalty Agreement between TMP and TMP Int'l | |
| | 163 | | TM 1252 | 4-30-97 Capcom \$900,000 remittance | |

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
MARVELS AND MIRACLES, LLC.,

Plaintiffs,

v.

CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

Defendants.

| DATE | Identification | | | DESCRIPTION | OFFERS OBJECTIONS RULINGS EXCEPTIONS |
|------|------------------|---------|--------------|--|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 164 | | TM 1253 | 4-24-97 Capcom \$1 million guarantee | |
| | 165 | | TM 1366-1369 | Trademark application for Miracleman | |
| | 166 | | TM 1372 | Check for trademark filing | |
| | 167 | | TM 1436-1439 | 10-27-97 Trademark filing | |
| | 168 | | TM 1376 | 8-16-99 Trademark filing | |
| | 169 | | TM 1378-1381 | 2-12-99 Trademark filing | |
| | 170 | | TM 1463-1465 | 10-10-95 Eclipse notice of bankruptcy sale | |
| | 171 | | TM 1467 | Miracleman advertisement | |
| | 172 | | TM 1498 | Miraceman/Spawn poster advertisement | |
| | 173 | | TM 0553 | Miracleman inventory by Fitzgerald | |
| | 174 | | TM 033 | Gaiman handwritten invoice re: Spawn 26 | |
| | 175 | | TM 0353 | 4-3-95 Letter from Julia Simmons to Gaiman re: \$20,483 payment | |
| | 176 | | TM 561 | 2-8-86 Checks to Neil | |

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
MARVELS AND MIRACLES, LLC.,

Plaintiffs,

v.

CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

Defendants.

| DATE | Identification | | | DESCRIPTION | OFFERS OBJECTIONS RULINGS EXCEPTIONS |
|------|------------------|---------|-------------|---|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 177 | | TM 0354 | Handwritten note from Gaiman to Todd re: \$20,483 payment | |
| | 178 | | TM 0365 | 5-5-97 Agreement letter with Todd's notes | |
| | 179 | | TM 0475 | 5-5-97 Agreement letter with more Todd handwritten notes | |
| | 180 | | TM 0511-517 | 8-5-97 Letter from Wanda to Neil re: foreign sales | |
| | 181 | | TM 0646-660 | Script for Spawn 9 | |
| | 182 | | TM 0661-673 | Thumbnail sketch for Spawn 9 | |
| | 183 | | TM 0697-698 | Letter from Neil to Todd re: ideas for Spawn 9 | |
| | 184 | | TM 1661 | 7-6-98 Beau Smith memo to Todd re: (Medieval Spawn/Batman) [Dep. Ex. 129] | |
| | 185 | | G 04135 | 12-19-00 Letter to Neil from Lillian Laserson re: 15% character equity [Dep. Ex. 132] | |
| | 186 | | G04161 | 8-9-94 Character Equity Agreement | |
| | 187 | | TM 0552 | Handwritten notes re: royalty calculation [Dep. Ex. 121] | |

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
MARVELS AND MIRACLES, LLC.,

Plaintiffs,

v.

CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

Defendants.

| DATE | Identification | | | DESCRIPTION | OFFERS OBJECTIONS RULINGS EXCEPTIONS |
|------|------------------|---------|-------------|--|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 188 | | TM 0485 | TMP Int'l royalty calculation [Dep. Ex. 122] | |
| | 189 | | TM 0486 | TMP Int'l royalty calculation [Dep. Ex. 123] | |
| | 190 | | TM 0471 | 7-29-97 Inglis memo re: royalty calculation [Dep. Ex. 124] | |
| | 191 | | TM 0493-495 | 7-30-97 Inglis memo re: royalty calculation [Dep. Ex. 125] | |
| | 192 | | TM 0490 | TMP Int'l royalty calculation [Dep. Ex. 126] | |
| | 193 | | TM 0496 | TMP Int'l royalty calculation [Dep. Ex. 127] | |
| | 194 | | TM 0575 | 1-5-99 Memo from Inglis to Wanda re: memory of royalty payments [Dep. Ex. 128] | |
| | 195 | | | Image Comics spreadsheet of comic book sales | |
| | 196 | | | Image Comics revised spreadsheet of comic book sales | |
| | 197 | | | Copy of <i>Angela's Hunt</i> | |
| | 198 | | | Copy of <i>Pathway to Judgment</i> | |

**PLAINTIFF'S PRELIMINARY
TRIAL EXHIBIT LIST**

AUGUST 30, 2002

NEIL GAIMAN, AND
MARVELS AND MIRACLES, LLC.,

Plaintiffs,

v.

CASE NO. 02-C-0048-S

TODD MCFARLANE, TODD MCFARLANE
PRODUCTIONS, INC., TMP INTERNATIONAL,
INC., MCFARLANE WORLDWIDE, INC., AND
IMAGE COMICS, INC.,

Defendants.

| DATE | Identification | | | DESCRIPTION | OFFERS OBJECTIONS RULINGS EXCEPTIONS |
|------|------------------|---------|-------------|--|---|
| | Trial Ex. No. | Witness | Bates No. | | |
| | 199 | | | Copies of all comics and other publications identified on TM 1523 | |
| | 200 | | G 1021-1028 | Gaiman Miracleman Agreement | |
| | 201 | | G 1029-1035 | Buckingham Miracleman Agreement | |

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NEIL GAIMAN and MIRACLES AND
MARVELS, LLC,

Plaintiffs,

v.

TODD McFARLANE, et al.

Defendants-Counterclaimants.

Case No. 02-C-0048-S

EXHIBITS FILED ON BEHALF OF THE McFARLANE DEFENDANTS

The McFarlane Defendants reserve all relevancy objections.

| IDENTIFICATION | | | | | | | |
|----------------|---------|-----------------|---------|--|------------|---|---|
| EX. No. | DATE | DEP. EX. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 301 | 4/12/96 | | | Certificate of Copyright Registration for <i>Spawn</i> Issue 1: TX-4-243-065 (Bates No. TM 00113- 00114) | | | |
| 302 | | | | <i>Spawn</i> Issue 9 (Bates No(s). TM 00115- 00154) | | | |
| 303 | 4/12/96 | | | Certificate of Copyright Registration for <i>Spawn</i> Issue 9: TX 4-256-095 (Bates No(s). TM 00155- 00156) | | | |
| 304 | | | | <i>Spawn</i> Trade Paperback Volume 2 (Bates No(s). TM 00157- 00161) | | | |

| Ex. No. | IDENTIFICATION | | | | OBJECTIONS | O | A |
|---------|----------------|--------------|---------|---|------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | | | |
| 305 | | | | <i>Spawn</i> Issue 26 (Bates No(s). TM00162-00197) | | | |
| 306 | 1/20/95 | | | Certificate of Copyright Registration for <i>Spawn</i> Issue 26: TX 4-029-098 (Bates No(s). TM00198-00199) | | | |
| 307 | | | | <i>Angela</i> Issue 1 (Bates No(s). TM00200-00235) | | | |
| 308 | | | | <i>Angela</i> Issue 2 (Bates No(s). TM00236-00271) | | | |
| 309 | | | | <i>Angela</i> Issue 3 (Bates No(s). TM00272-00308) | | | |
| 310 | 1/20/95 | | | Certificate of Copyright Registration for <i>Angela</i> Issue 1: TX 4-029-099 (Bates No(s). TM00309-00310) | | | |
| 311 | 1/30/95 | | | Certificate of Copyright Registration for <i>Angela</i> Issue 2: TX 4-003-203 (Bates No(s). TM00311-00312) | | | |
| 312 | 3/8/95 | | | Certificate of Copyright Registration for <i>Angela</i> Issue 3: TX 4-010-007 (Bates No(s). TM00313-00314) | | | |
| 313 | 8/3/00 | | | Certificate of Copyright Registration for "Script for <i>Angela</i> Issue No. 1": TX 5-276-922 (Bates No(s). TM00315-00316) | | | |

| IDENTIFICATION | | | | | | | |
|----------------|--------|--------------|---------|---|---|---|---|
| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 314 | | | | Draft Script Issue 9 | Unidentified; preserve all objections | | |
| 315 | | | | <i>Spawn</i> Book No(s). 6 | | | |
| 316 | | | | <i>Angela</i> Trade Paperback | | | |
| 317 | | | | <i>Spawn</i> Book 6 <i>Pathway to Judgement</i> (Bates No(s). G00884- 01007) | | | |
| 318 | | | | <i>Spawn: Angela's Hunt</i> (Bates No(s). G00808- 00883) | | | |
| 319 | 8/3/00 | | | Certificate of Copyright Registration for "Script for Angela Issue No. 2": TX 5-276-923 (Bates No(s). TM00317- 00318) | | | |
| 320 | 8/3/00 | | | Certificate of Copyright Registration for "Script for Angela Issue No. 3": TX 5-5-276-924 (Bates No(s). TM00319- 00320) | | | |
| 321 | 8/3/00 | | | Certificate of Copyright Registration for "Thumbnail Sketches of Angela No. 1": VAu 481-446 (Bates No(s). TM00327- 00328) | | | |
| 322 | 8/3/00 | | | Certificate of Copyright Registration for "Thumbnail Sketch of Angela No. 2": VAu 481-424 (Bates No(s). TM00329- 00330) | | | |

| EX. NO. | IDENTIFICATION | | | | OBJECTIONS | O | A |
|------------|----------------|-----------------|---------|---|------------|---|---|
| | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | | | |
| 323 | 8/3/00 | | | Certificate of Copyright Registration for "Thumbnail Sketch of Angela No. 3": V Au 481-439 (Bates No(s). TM00331-00332) | | | |
| 324 | 8/3/00 | | | Certificate of Copyright Registration for "Treatment for Angela Issue No. 2": TXu 966-575 (Bates No(s). G00032-00033) | | | |
| 325 | 8/3/00 | | | Certificate of Copyright Registration for "Treatment for Angela Series": TX 966-576 (Bates No(s). TM 00325-00326) | | | |
| 326 | 8/3/00 | | | Certificate of Copyright Registration for "Script for Spawn 9": TX 5-352-460 (Bates No(s). TM00321-00322) | | | |
| 327 | 8/3/00 | | | Certificate of Copyright Registration for "Partial Script for Spawn 26": TX 5-352-461 (Bates No(s). TM00323-00324) | | | |
| 328 | 2/18/97 | | | Memorandum from Larry Marder to Neil Gaiman Bates No(s). G00197-00199 | | | |
| 329 | 5/5/97 | | | Letter from Neil Gaiman to Todd McFarlane (Bates No(s). TM00355-00356) | | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|--|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 330 | 7/15/97 | | | Letter (via facsimile) from Neil Gaiman to Todd McFarlane (Bates No(s). TM00363-00364) | | | |
| 331 | 7/15/97 | | | Letter (via facsimile) from Todd McFarlane to Neil Gaiman (Bates No(s). TM00362) | | | |
| 332 | 7/15/97 | | | (Second) Letter (via facsimile) from Neil Gaiman to Todd McFarlane (Bates No(s). TM00360) | | | |
| 333 | 10/27/98 | | | Trademark Application for MIRACLEMAN: Serial No. 75379920 (Bates No(s). TM01430-01439) | | | |
| 334 | | | | Videotape of motion picture _____ | Unable to identify; plaintiffs preserve all objections | | |
| 335 | | | | Videotape of animated film _____ | Unable to identify; plaintiffs preserve all objections | | |
| 336 | 7/11/01 | | | Trademark Application for MIRACLEMAN: Serial No. 76283194 (Bates No(s). G00362-00368) | | | |
| 337 | 11/13/92 ?? | | | Full-page advertisement in COMICS BUYER'S GUIDE (Bates No(s). TM00593) | | | |
| 338 | --/-/94 | | | Letter from Neil Gaiman to Todd McFarlane ("use it if it works...") (Bates No(s). TM00707-00709) | | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 339 | 9/1/92 | 57 | | DC Comics contract (Bates No(s). G01014-01020) | | | |
| 340 | 2/1/93 | 58 | | DC Comics contract (Bates No(s). G01009-01013) | | | |
| 341 | 05/09/97 | 1 | | FAX from Ms. Egger to Mr. Gaiman (Bates No(s). TM00357) | | | |
| 342 | 05/05/97 | 2 | | Letter from Neil to Todd (Bates No(s). TM 00355-00356) | | | |
| 343 | 07/26/97 | 3 | | Memo from Wanda to Sheila (Bates No(s). TM00368-00370) | Hearsay | | |
| 344 | 07/29/97 | 4 | | FAX from Ms. Egger to Mr. McFarlane (Bates No(s). TM00467-00409 and TM00474-00478) | Hearsay | | |
| 345 | 7/29/97 | 4A | | Angela Book Appearances Income (Bates No(s). TM00470-00473 and TM00479-00480) | | | |
| 346 | 08/04/97 | 5 | | Royalty Report (Bates No(s). TM00526-00538) | | | |
| 347 | 08/11/97 | 6 | | FAX from Ms. Egger to Mr. Gaiman (Bates No(s). TM00519-00525) | | | |
| 348 | 08/05/97 | 7 | | FAX from Ms. Egger to Mr. McFarlane (Bates No(s). TM00539) | | | |
| 349 | 01/12/99 | 8 | | Letter from Mr. McFarlane to Mr. Gaiman (Bates No(s). TM00478) | | | |
| 350 | 08/17/01 | 9 | | E-mail from Ms. Egger to Mr. Peterson (Bates No(s). TM00336) | Hearsay | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 351 | | 10 | | Handwritten notes (Bates No(s). TM00559) | Hearsay | | |
| 352 | 9/1/92 | 11 | | Handwritten letter from Mr. Fitzgerald to Mr. Gaiman (Bates No(s). G03697) | | | |
| 353 | 01/04/93 | 12 | | <i>Spawn 9 Script</i> (Bates No(s). G00470-00482) | | | |
| 354 | 04/07/93 | 13 | | Handwritten note from Terry to Neil (Bates No(s). G00221) | | | |
| 355 | | 14 | | Handwritten note from Todd & Terry to Neil (Bates No(s). G00219) | | | |
| 356 | 11/1/94 | 15 | | Handwritten note from Terry to Neil (Bates No(s). G00488) | | | |
| 357 | 02/29/96 | 16 | | Letter from Ms. Sachs to Mr. Fitzgerald (Bates No(s). TM01447-01462) | Hearsay | | |
| 358 | 02/29/96 | 17 | | Memo from Terry to Tony (Bates No(s). TM01440-01444) | | | |
| 359 | 07/01/97 | 18 | | Character Agreement (Bates No(s). TM01666-01670) | | | |
| 360 | 07/15/97 | 19 | | Letter from Mr. Gaiman to Mr. McFarlane (Bates No(s). TM00258-0359) | | | |
| 361 | 07/15/97 | 20 | | Handwritten note from Mr. McFarlane to Mr. Gaiman (Bates No(s). TM00362) | | | |
| 362 | 7/31/97 | 21 | | Letter from Mr. Fitzgerald to Mr. Gaiman (Bates No(s). G00800) | | | |
| 363 | 08/06/97 | 22 | | FAX from Mr. Inglis to Mr. Fitzgerald (Bates No(s). TM00508) | | | |

| IDENTIFICATION | | | | | | | |
|----------------|----------|--------------|---------|--|------------|---|---|
| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 364 | 04/21/97 | 23 | | License Agreement (Bates No(s). TM01255-01279) | | | |
| 365 | | 24 | | Bill of Rights for Comics Creators | | | |
| 366 | 11/6/96 | 25 | | Handwritten memo from Mr. Gaiman to Mr. Marder (Bates No(s). TM00571) | | | |
| 367 | 11/14/96 | 26 | | Memo from Larry to Todd (Bates No(s). TM00563) | | | |
| 368 | 11/14/96 | 27 | | Memo from Larry to Todd (Bates No(s). TM00567-00569) | | | |
| 369 | 11/18/96 | 28 | | Memo from Larry to Neil (Bates No(s). G00192) | | | |
| 370 | 12/17/96 | 29 | | Memo from Larry to Neil (Bates No(s). TM00564-00566) | | | |
| 371 | 12/17/96 | 30 | | Memo from Larry to Neil (Bates No(s). G00193-00195) | | | |
| 372 | 01/09/96 | 31 | | Memo from Larry to Neil (Bates No(s). G00196) | | | |
| 373 | 02/18/97 | 32 | | Memo from Larry to Neil (Bates No(s). G00197-00199) | | | |
| 374 | 07/15/97 | 33 | | Handwritten note from Neil to Todd (Bates No(s). TM00360) | | | |
| 375 | | 34 | | Thumbnail sketches for Spawn Issue 9 (Bates No(s). TM00661-00673) | | | |
| 376 | | 35 | | Copyright certificate, Spawn 9 (Bates No(s). TM0155-0156) | | | |

| EX. No. | IDENTIFICATION | | | | | | |
|---------|------------------------------|--------------|---------|---|------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 377 | | 36 | | Script excerpt, Spawn 26 (Bates No(s). TM707-00709) | | | |
| 378 | | 37 | | Copyright certificate, Spawn 26 (Bates No(s). TM00198-00199) | | | |
| 379 | | 38 | | Series of checks (Bates No(s). TM00338-00350) | | | |
| 380 | 8/3/00 | 39 | | Script for Angela Issue No. 1 (Bates No(s). TM00001-00013) | | | |
| 381 | 8/3/00 | 40 | | Script for Angela Issue No. 2 (Bates No(s). TM00014-00030) | | | |
| 382 | 8/3/00 | 41 | | Script for Angela Issue No. 3 (Bates No(s). TM00031-00042) | | | |
| 383 | 8/3/00 | 42 | | Thumbnail sketch of Angela No. 1 (Bates No(s). TM00059-00070) | | | |
| 384 | 8/3/00 | 43 | | Thumbnail sketch of Angela No. 2 (Bates No(s). TM00071-00096) | | | |
| 385 | 8/7/00 | 44 | | Thumbnail sketch of Angela No. 3 (Bates No(s). TM00097-00112) | | | |
| 386 | 1/20/95 1/30/95 3/8/95 | 45 | | Copyright certificates, Angela 1, 2 and 3 (Bates No(s). TM00309-00314) | | | |
| 387 | 09/26/96 | 46 | | Letter from Ms. Heifetz to Mr. McFarlane (Bates No(s). TM00573) | | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 388 | 04/02/97 | 47 | | Letter from Ms. Cook to Mr. Marder (Bates No(s). G04569-04581) | | | |
| 389 | 04/22/97 | 48 | | Handwritten note from Neil to Todd (Bates No(s). G00797) | | | |
| 390 | 05/24/02 | 49 | | Transcript of tape (Bates No(s). TM01835-01856) | | | |
| 391 | 08/01/97 | 50 | | Handwritten note from Mr. Gaiman to Todd (Bates No(s). TM00509) | | | |
| 392 | 3/26/98 | 51 | | Payment record, Bonus-Foreign Sales Bates No(s). TM01524 | | | |
| 393 | 10/27/97 | 52 | | Trademark application for Miracleman Bates No(s). TM01384-01392 | | | |
| 394 | 10/27/97 | 53 | | Trademark application for Miracleman Bates No(s). TM01408-01416 | | | |
| 395 | 10/27/97 | 54 | | Statement of Use for Miracleman Bates No(s). TM01428 | | | |
| 396 | | 55 | | Spawn No. 11 cover and inside page | | | |
| 397 | 9/8/95 | 56 | | Accounting documents Bates No(s). TM01676-01688 | | | |
| 398 | | 59 | | McFarlane Defendants' produced document(s) no(s). 1523 Bates No(s). TM01523 | | | |
| 399 | 6/5/02 | 60 | | McFarlane Defendants' produced document(s) no(s). 1572-1576 | | | |
| 400 | 6/5/02 | 61 | | McFarlane Defendants' produced document(s) no(s). 1577-1582 | | | |

| EX. NO. | IDENTIFICATION | | | | OBJECTIONS | O | A |
|---------|----------------|--------------|---------|---|------------|---|---|
| | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | | | |
| 401 | 6/5/02 | 62 | | McFarlane Defendants' produced document(s) no(s). 1583-1585 | | | |
| 402 | 6/5/02 | 63 | | McFarlane Defendants' produced document(s) no(s). 1586 | | | |
| 403 | 6/5/02 | 64 | | McFarlane Defendants' produced document(s) no(s). 1587 | | | |
| 404 | 6/5/02 | 65 | | McFarlane Defendants' produced document(s) no(s). 1588-1589 | | | |
| 405 | 6/5/02 | 66 | | McFarlane Defendants' produced document(s) no(s). 1590-1596 | | | |
| 406 | 6/5/02 | 67 | | McFarlane Defendants' produced document(s) no(s). 1597-1634 | | | |
| 407 | 6/5/02 | 68 | | McFarlane Defendants' produced document(s) no(s). 1635 | | | |
| 408 | | 69 | | McFarlane Defendants' produced document(s) no(s). 410-432 | | | |
| 409 | | 70 | | McFarlane Defendants' produced document(s) no(s). 433-452 | | | |
| 410 | | 71 | | McFarlane Defendants' produced document(s) no(s). 453-457 | | | |
| 411 | | 72 | | McFarlane Defendants' produced document(s) no(s). 459 | | | |
| 412 | | 73 | | McFarlane Defendants' produced document(s) no(s). 460-61 | | | |
| 413 | | 74 | | McFarlane Defendants' produced document(s) no(s). 462 | | | |
| 414 | | 75 | | McFarlane Defendants' produced document(s) no(s). 463 | | | |

| IDENTIFICATION | | | | | | | |
|----------------|----------|--------------|---------|---|------------------------|---|---|
| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 415 | | 76 | | McFarlane Defendants' produced document(s) no(s). 464 | | | |
| 416 | | 77 | | McFarlane Defendants' produced document(s) no(s). 465 | | | |
| 417 | | 78 | | McFarlane Defendants' produced document(s) no(s). 466 | | | |
| 418 | | 79 | | McFarlane Defendants' produced document(s) no(s). 505-507 | | | |
| 419 | | 80 | | McFarlane Defendants' produced document(s) no(s). 500-504 | | | |
| 420 | 5/31/02 | 81 | | McFarlane Defendants' produced document(s) no(s). 1540-1558 | | | |
| 421 | 11/16/00 | 82 | | McFarlane Defendants' produced document(s) no(s). 1226-1236 | | | |
| 422 | 9/30/98 | 83 | | McFarlane Defendants' produced document(s) no(s). 1250 | Hearsay; Foundation | | |
| 423 | 4/21/97 | 84 | | McFarlane Defendants' produced document(s) no(s). 1255-1279 | | | |
| 424 | | 85 | | McFarlane Defendants' produced document(s) no(s). 1281-1283 | | | |
| 425 | 8/6/98 | 86 | | McFarlane Defendants' produced document(s) no(s). 1284-1285 | | | |
| 426 | 2/7/94 | 87 | | McFarlane Defendants' produced document(s) no(s). 1315-1341 | | | |
| 427 | 12/16/97 | 88 | | McFarlane Defendants' produced document(s) no(s). 1351-1356 | Rule 403 | | |
| 428 | | 89 | | McFarlane Defendants' produced document(s) no(s). 1517-1519 | | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|---|------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 429 | | 90 | | McFarlane Defendants' produced document(s) no(s). 1520-1522 | | | |
| 430 | 1/20/95 | 91 | | McFarlane Defendants' produced document(s) no(s). 1559-1568 | | | |
| 431 | 5/29/02 | 92 | | McFarlane Defendants' produced document(s) no(s). 1569 | | | |
| 432 | 5/29/02 | 93 | | McFarlane Defendants' produced document(s) no(s). 1570 | | | |
| 433 | 5/29/02 | 94 | | McFarlane Defendants' produced document(s) no(s). 1571 | | | |
| 434 | | 95 | | McFarlane Defendants' produced document(s) no(s). 1679-1688 | | | |
| 435 | 8/12/97 | 96 | | McFarlane Defendants' produced document(s) no(s). 542-546 | | | |
| 436 | | 97 | | McFarlane Defendants' produced document(s) no(s). 1689 | | | |
| 437 | | 98 | | McFarlane Defendants' produced document(s) no(s). 557 | | | |
| 438 | 7/26/97 | 99 | | McFarlane Defendants' produced document(s) no(s). 370, 371 | Hearsay | | |
| 439 | 3/26/98 | 100 | | McFarlane Defendants' produced document(s) no(s). 1524-1525 | | | |
| 440 | 5/29/02 | 101 | | McFarlane Defendants' produced document(s) no(s). 1636-1637 | | | |
| 441 | 5/29/02 | 102 | | McFarlane Defendants' produced document(s) no(s). 1638 | | | |
| 442 | 9/8/95 | 103 | | McFarlane Defendants' produced document(s) no(s). 1676 | | | |

| EX. NO. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|---|------------|---|---|
| | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 443 | 12/14/95 | 104 | | McFarlane Defendants' produced document(s) no(s). 1677 | | | |
| 444 | 2/1/99 | 105 | | McFarlane Defendants' produced document(s) no(s). 1678 | | | |
| 445 | 6/12/02 | 106 | | McFarlane Defendants' produced document(s) no(s). 1671 | | | |
| 446 | 2/28/02 | 107 | | McFarlane Defendants' produced document(s) no(s). 334 | | | |
| 447 | 2/28/02 | 108 | | McFarlane Defendants' produced document(s) no(s). 335 | | | |
| 448 | 7/24/97 | 109 | | McFarlane Defendants' produced document(s) no(s). 492 | | | |
| 449 | | 110 | | McFarlane Defendants' produced document(s) no(s). 510 | | | |
| 450 | 2/20/95 | 111 | | McFarlane Defendants' produced document(s) no(s). 1690-1699 | | | |
| 451 | 3/7/96 | 112 | | McFarlane Defendants' produced document(s) no(s). 1700-1710 | | | |
| 452 | 2/14/97 | 113 | | McFarlane Defendants' produced document(s) no(s). 1711-1730 | | | |
| 453 | 2/6/98 | 114 | | McFarlane Defendants' produced document(s) no(s). 1731-1748 | | | |
| 454 | 2/3/99 | 115 | | McFarlane Defendants' produced document(s) no(s). 1749-1761 | | | |
| 455 | 2/2/00 | 116 | | McFarlane Defendants' produced document(s) no(s). 1762-1779 | | | |
| 456 | 2/2/00 | 117 | | McFarlane Defendants' produced document(s) no(s). 1798-1815 | | | |

| IDENTIFICATION | | | | | | | |
|----------------|----------|--------------|---------|---|-------------------------------|---|---|
| Ex. No. | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 457 | 2/5/01 | 118 | | McFarlane Defendants' produced document(s) no(s). 1780-1797 | | | |
| 458 | 1/31/02 | 119 | | McFarlane Defendants' produced document(s) no(s). 1816-1834 | | | |
| 459 | | 120 | | McFarlane Defendants' produced document(s) no(s). 374-409 | | | |
| 460 | | DC | | non privileged documents produced pursuant to subpoena | Hearsay; Foundation; Rule 403 | | |
| 461 | 04/20/88 | DC-1 | | service agreement, production Nos. G 04075 through G 04086 | Hearsay; Foundation; Rule 403 | | |
| 462 | 01/02/90 | DC-2 | | letter agreement to Gaiman from Levitz Bates No(s). G04022-04029 | Hearsay; Foundation; Rule 403 | | |
| 463 | 05/24/93 | DC-3 | | two-page letter to Haifetz from Cunningham Bates No(s). DC00020-00021 | Hearsay; Foundation; Rule 403 | | |
| 464 | 3/29/93 | DC-4 | | document pages produced by DC Comics in response to subpoena, production Nos. DC 0029 through DC 0033 | Hearsay; Foundation; Rule 403 | | |
| 465 | 10/1/93 | DC-5 | | cover letter from J. Brown, with attachment, amendment to a propr agreement, character equity in the Timothy Hunter character Bates No(s). G03938-03943 | Hearsay; Foundation; Rule 403 | | |
| 466 | 8/9/94 | DC-6 | | character equity agreement between Gaiman and DC Comics, Matthew the Raven Bates No(s). G04136-04141 | Hearsay; Foundation; Rule 403 | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|-------------------------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 467 | 01/03/97 | DC-7 | | character equity agreement between Gaiman and DC Comics, Titanium Bates No(s). G04124-04128 | Hearsay; Foundation; Rule 403 | | |
| 468 | | DC-8 | | character equity agreement between Gaiman and DC Comics, Auberon Bates No(s). G04129-04133 | Hearsay; Foundation; Rule 403 | | |
| 469 | 05/02/97 | DC-9 | | handwritten note to Gaiman from Cunningham Bates No(s). DC00005 | Hearsay; Foundation; Rule 403 | | |
| 470 | 08/08/01 | M-1 | | memo from Kenneth Levin to Bill Jemas, et al. Bates No(s). G04655-04662 | Hearsay; Foundation; Rule 403 | | |
| 471 | 5/14/01 | M-2 | | article | Hearsay; Foundation; Rule 403 | | |
| 472 | 10/04/01 | M-3 | | cover memo from Ken Levin to Joe Quesada, Bill Jemas and Chet Krayewski, attaching a memorandum of agreement as to Neil Gaiman/Marvel publishing project Bates No(s). G04587-04596 | Hearsay; Foundation; Rule 403 | | |
| 473 | | M-4 | | cover page of letter from Ken Levin to Chet Krayewski, attaching a three-page document entitled "Side Letter Agreement." Bates No(s). G04597-04601 | Hearsay; Foundation; Rule 403 | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|-------------------------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 474 | | M-5 | | various correspondence from Marvel personnel, production numbers MAR 1 through MAR 120 | Hearsay; Foundation; Rule 403 | | |
| 475 | 10/24/01 | M-6 | | Article printed off of COMICON.com Web site | Hearsay; Foundation; Rule 403 | | |
| 476 | 10/24/01 | M-7 | | Transcript of press conference held on October 24, 2001. | Hearsay; Foundation; Rule 403 | | |
| 477 | 8/2/00 | | | Letter to copyright office by Alschler Grossman Stein & Kahan LLP Bates No(s). G00001-G00002 | | | |
| 478 | 8/1/00 | | | Application for Spawn Issue No. 9 Bates No(s). G00003-G00017 | | | |
| 479 | 8/1/00 | | | Application for portion of Script for Spawn No. 26 Bates No(s). G00018-G00024 | | | |
| 480 | 8/1/00 | | | Application for Treatment for Angela Series Bates No(s). G00025-G00031 | | | |
| 481 | 8/1/00 | | | Application for Treatment for Angela Issue No. 2 Bates No(s). G0032-G00038 | | | |
| 482 | 8/1/00 | | | Application for Script for Angela Issue No. 1 Bates No(s). G0039-G00054 | | | |
| 483 | 8/1/00 | | | Application for Script for Angela Issue No. 2 Bates No(s). G00055-G00074 | | | |

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|----------------|---------|--------------|---------|--|------------|---|---|
| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 484 | 8/1/00 | | | Application for Script for Angela Issue No. 3 Bates No(s). G00075-G00089 | | | |
| 485 | 8/1/00 | | | Application for Thumbnail Sketch of Angela Issue No. 1 Bates No(s). G00090-G00140 | | | |
| 486 | 8/1/00 | | | Application for Thumbnail Sketch of Angela Issue No. 2 Bates No(s). G00105-G00120 | | | |
| 487 | 8/1/00 | | | Application for Thumbnail Sketch of Angela Issue No. 3 Bates No(s). G00121-G00139 | | | |
| 488 | 7/19/00 | | | Todd McFarlane's Spawn a Titles & Air Dates Guide Bates No(s). G00160-G00161 | | | |
| 489 | 7/20/00 | | | Spawn.com preview of Spawn, Season 1, Episode 1 Bates No(s). G00162-00163 | | | |
| 490 | 7/20/00 | | | Spawn.com preview of Spawn, Season 1, Episode 2 Bates No(s). G00164-00165 | | | |
| 491 | 7/20/00 | | | Spawn.com preview of Spawn, Season 1, Episode 3 and 4 (Bates No(s). G00166-00168) | | | |

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|----------------|----------|--------------|---------|--|------------|---|---|
| EX. No. | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 492 | 7/20/00 | | | Spawn.com preview of Spawn, Season 1, Episode 5 (Bates No(s). G00169-00170) | | | |
| 493 | 7/20/00 | | | Spawn.com preview of Spawn, Season 1, Episode 6 (Bates No(s). G00171-001724) | | | |
| 494 | 7/20/00 | | | Spawn.com preview of Spawn, Season 2, Episode 1 (Bates No(s). G00173-00174) | | | |
| 495 | 7/20/00 | | | Spawn.com preview of Spawn, Season 2, Episode 2 (Bates No(s). G00175) | | | |
| 496 | 11/6/96 | | | Letter from Neil Gaiman to Larry Marder regarding forwarding of contracts. (Bates No(s). G00191) | | | |
| 497 | 12/17/96 | | | Image Comics Memo from Larry Marder to Neil Gaiman regarding royalties. (Bates No(s). G00193-00195) | | | |
| 498 | 1/9/96 | | | Image Comics Memo from Larry Marder to Neil Gaiman regarding royalties. (Bates No(s). G00196) | | | |
| 499 | 8/1/97 | | | Letter from Neil Gaiman to Todd McFarlane regarding exchange. (Bates No(s). G00208) | | | |

| Ex. No. | IDENTIFICATION | | | | | | |
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| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 500 | 1/12/99 | | | Letter from Todd McFarlane to Neil Gaiman regarding rescinding previous offers. (Bates No(s). G00211) | | | |
| 501 | 4/7/93 | | | Letter from Terry Fitzgerald to Neil Gaiman regarding money owed to Gaiman. (Bates No(s). G00221) | | | |
| 502 | 3/8/99 | | | Transcript of conversation between Neil Gaiman and Todd McFarlane (Bates No(s). G00220-00233) | | | |
| 503 | | | | Advertisement stating Neil Gaiman will write Spawn 9 (Bates No(s). G00234) | | | |
| 504 | | | | Letter from Neil Gaiman to Todd McFarlane regarding a portion of script (Bates No(s). G00243-00247) | | | |
| 505 | 4/2/97 | | | Demand letter from Melanie Cook of Bloom Hergott Cook Diemer and Klein, LLP to Larry Marder regarding money owed to Neil Gaiman. (Bates No(s). G00250-00251) | | | |
| 506 | 4/1/89 | | | Agreement between Eclipse Enterprises, Inc. and Neil Gaiman regarding Miracleman. Including "Exhibit A & Exhibit B". (Bates No(s). G01021-01049) | | | |

| Ex. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|-------------------------------|---|---|
| | DATE | DEP. Ex. No. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 507 | 10/4/01 | | | Memorandum Agreement between Neil Gaiman and Marvel Publishing regarding Neil Gaiman's publishing projects (Bates No(s). G04587-04596) | Rule 403; Hearsay | | |
| 508 | 10/17/01 | | | Side Agreement between Neil Gaiman and Marvel Entertainment Group (Bates No(s). G04597-04601) | Rule 403; Hearsay; Foundation | | |
| 509 | 9/24/94 | | | Letter from Valerie Jones of Panel to Panel Associates to Neil Gaiman regarding the status of Miracleman. (Bates No(s). G04602) | Hearsay; Foundation | | |
| 510 | 10/16/92 | | | Letter from Eclipse Books to Neil Gaiman regarding Miracleman (Bates No(s). G04605-04607) | Hearsay; Foundation | | |
| 511 | 5/8/97 | | | Letter from Katy Wild of Titan Books to Neil Gaiman regarding Spawn (Bates No(s). G04612) | | | |
| 512 | 12/30/98 | | | DC Comics contract between Neil Gaiman and DC Comics regarding Sandman (Bates No(s). G04629-4638) | Rule 403; Hearsay; Foundation | | |
| 513 | 7/15/97 | | | Letter from Todd McFarlane to Neil Gaiman regarding payment of royalties (Bates No(s). G04641) | | | |

| EX. NO. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|--|-------------------------------|---|---|
| | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 514 | 7/15/97 | | | Letter from Katy Wild of Titan Books to Neil Gaiman regarding Spawn/Angela (Bates No(s). G04642) | | | |
| 515 | 3/17/98 | | | Letter and check from Todd McFarlane Productions, Inc, for foreign sales. (Bates No(s). G04643-04645) | | | |
| 516 | 4/20/93 | | | Character Equity Agreement between DC Comics and Neil Gaiman regarding Sandman (Bates No(s). G04648-04652) | Rule 403; Hearsay; Foundation | | |
| 517 | 8/8/01 | | | Letter from Kenneth Levin to Marvel Comics regarding status of Miracleman. (Bates No(s). G24655-04662) | Rule 403; Hearsay; Foundation | | |
| 518 | 4/2/97 | | | Demand letter from Melanie Cook of Bloom Hergott Cook Diemer and Klein, LLP to Larry Marder regarding money owed to Neil Gaiman. (Bates No(s). G04663-04664) | | | |
| 519 | 1/27/00 | | | Letter from Marcia Harris of Alschuler Grossman Stein and Kahan, LLP to James Ullman, Esq. of Greenberg & Trautwig regarding status of claims by Neil Gaiman against Todd McFarlane (Bates No(s). G04668-046674) | | | |

| EX. No. | IDENTIFICATION | | | | | | |
|---------|----------------|--------------|---------|---|------------|---|---|
| | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 520 | 3/4/99 | | | Transcript of conversation between Neil Gaiman and Todd McFarlane (Bates No(s). G04675-04688) | | | |
| 521 | 11/2/01 | | | Copyright Application for Miracleman Books: The Golden Age by Marvels & Miracles, LLC (Bates No(s). G04797-04960) | | | |
| 522 | 11/2/01 | | | Copyright Application for Miracleman Books: The Golden Age by Marvels & Miracles, LLC (Bates No(s). G04961-05126) | | | |
| 523 | 12/4/01 | | | Copyright Applications for Miracleman Books 17-24 by Marvels & Miracles, LLC (Bates No(s). G05127-05312) | | | |
| 524 | 10/19/01 | | | Copyright Application for Miracleman No. 24- The Silver Age, Book Two by Marvels & Miracles, LLC (Bates No(s). G05313-05345) | | | |
| 525 | 1992 | | | Representative royalty statements to Mr. Gaiman from DC Comics (Bates No(s). G01050-G01127) | Hearsay | | |

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| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 526 | 9/9/92 | | | Letter from Todd McFarlane Productions to Neil Gaiman regarding payment of \$10,000 advance for Spawn No. 9 (Bates No(s). G03697) | | | |
| 527 | 5/28/02 | | | Neil Gaiman's Journal from www.neilgaiman.com (Bates No(s). G03711-G03729) | Hearsay; Rule 403 | | |
| 528 | 6/17/02 | | | Neil Gaiman's Journal from www.neilgaiman.com (Bates No(s). G03730-G03765) | Hearsay; Rule 403 | | |
| 529 | 8/23/01 | | | Contract between Neil Gaiman and DC Comics regarding "The Ending" (Bates No(s). G03766-03776) | Rule 403; Hearsay | | |
| 530 | 2/11/97 | | | Contract between Neil Gaiman and DC Comics regarding "Death: The Time of Your Life" (Bates No(s). G0377) | Rule 403; Hearsay | | |
| 531 | 10/26/88 | | | Agreement between Neil Gaiman and DC Comics regarding the "The Magic Book" (Bates No(s). G03781-03798) | Rule 403; Hearsay | | |
| 532 | 8/2/01 | | | DC Comics contract re: Books of Magic (Bates No(s). G03931-03936) | Rule 403; Hearsay | | |
| 533 | 5/7/93 | | | Letter from DC Comics to Neil Gaiman regarding "Timothy Hunter" (Bates No(s). G03937-03943) | Rule 403; Hearsay | | |

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| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 534 | 11/6/01 | | | DC Comics "911 Project" Talent Agreement between DC Comics and Neil Gaiman (Bates No(s). G03944-03945) | Rule 403; Hearsay | | |
| 535 | 3/9/00 | | | Contract between Neil Gaiman and DC Comics regarding Superman/Green Lantern Prestige Agreement (Bates No(s). G03948-03960) | Rule 403; Hearsay | | |
| 536 | 6/3/00 | | | Contract between Neil Gaiman and DC Comics regarding Neil Gaiman Omnibus Prestige Agreement (Bates No(s). G03961-03971) | Rule 403; Hearsay | | |
| 537 | 4/13/92 | | | DC Comics Agreement between Greg Cox and De Comics regarding "Batman/Penguin" (Bates No(s). G03972-03976) | Rule 403; Hearsay | | |
| 538 | 4/13/92 | | | DC Comics Agreement between Greg Cox and De Comics regarding "Batman/Penguin" (Bates No(s). G03977-03981) | Rule 403; Hearsay | | |
| 539 | 10/20/94 | | | Contracts between DC Comics and Neil Gaiman and Charles Vess (Bates No(s). G03985-G04020) | Rule 403; Hearsay | | |
| 540 | | | | Representative contracts between Neil Gaiman and DC Comics regarding Sandman (Bates No(s). G04021-G04133) | Rule 403; Hearsay | | |

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| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 541 | | | | Representative contracts between Neil Gaiman and DC Comics regarding Black Orchid (Bates No(s). G04286-G04313) | Rule 403; Hearsay | | |
| 542 | | | | Various email correspondence (Bates No(s). G04314-G04456) | Hearsay | | |
| 543 | 8/11/97 | | | Letter to Neil Gaiman from Sheila Egger regarding sending payment for royalties. (Bates No(s). G04482) | | | |
| 544 | 8/11/97 | | | TMP, Inc. Royalty Report (Bates No(s). G04483) | | | |
| 545 | 11/1/88 | | | Agreement between Eclipse Enterprises, Inc and Neil Gaiman regarding Miracleman (Bates No(s). G04457-04470) | Hearsay; Rule 403; Foundation | | |
| 546 | 2/18/97 | | | Letter to Neil Gaiman from Larry Marder regarding revised royalties. (Bates No(s). G04489-04491) | | | |
| 547 | 12/17/96 | | | Letter to Neil Gaiman from Larry Marder regarding royalties. (Bates No(s). G04492-04494) | | | |
| 548 | 7/31/97 | | | Letter from Terry Fitzgerald to Neil Gaiman regarding payment of "bonus" (Bates No(s). G04531) | Hearsay | | |

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|----------------|---------|--------------|---------|--|------------|---|---|
| EX. NO. | DATE | DEP. EX. NO. | WITNESS | DESCRIPTION | OBJECTIONS | O | A |
| 549 | 8/13/97 | | | Letter from Sheila Egger regarding foreign royalties with royalty reports (Bates No(s). G04532-G04558) | | | |
| 550 | | | | Todd McFarlane Productions, Inc. Royalties -2001-2002 (Bates No(s). TM01858-TM01861) | | | |
| 551 | 8/5/02 | | | McFarlane Worldwide International Sales (Bates No(s). TM01981-TM02056) | | | |
| 552 | 8/5/02 | | | Collectors Club Domestic Sales (Bates No(s). TM02057-TM02366) | | | |
| 553 | 8/5/02 | | | TMP International, Inc Domestic Sales 1994-1997 (Bates No(s). TM02367-TM02565) | | | |
| 554 | 8/5/02 | | | TMP International, Inc Domestic Sales 1997-2001 (Bates No(s). TM02566-TM02638) | | | |
| 555 | 7/31/02 | | | McFarlane Canada Canadian Sales 1994-1997 (Bates No(s). TM02639-TM02658) | | | |
| 556 | 7/31/02 | | | McFarlane Canada Canadian Sales 1997-2001 (Bates No(s). TM02659-TM02690) | | | |
| 557 | 6/27/02 | | | Affidavit of Todd McFarlane in Support of Motion for Partial Summary Judgment | Hearsay | | |

Dated: August __, 2002

LA FOLLETTE GODFREY & KAHN

By _____
Eugenia G. Carter
Todd G. Smith
Gabriel S. Gross
One East Main Street, Suite 500
Madison, WI 53701
Tel: (608) 257-3911
Fax: (608) 257-0609

—and—

Michael A. Kahn
Peter W. Salsich, III
Blackwell Sanders Peper Martin, LLP
720 Olive Street, Suite 2400
Saint Louis, MO 63101
Tel: (314) 345-6000
Fax: (314) 345-6060

Attorneys for Todd McFarlane, Todd McFarlane
Productions, Inc., TMP International, Inc. and
McFarlane Worldwide, Inc.

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